

## **2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**AGENCY:** 0930 Department of Environmental Quality

**ACT#:** 1615

**SECTION#:** 10

### **CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

~~ESTABLISHMENT OF A "GROWTH POOL". (a) To address needs emerging from statewide environmental quality issues, the Arkansas Department of Environmental Quality shall establish and maintain for the 2003-2005 biennium a pool of twenty-eight (28) classified positions, payable from funds appropriated herein for such purposes. These positions are to be used by the Department of Environmental Quality in the event that the number and level of positions available to address the needs emerging from statewide environmental quality issues exceed the classified positions regularly authorized for the Department of Environmental Quality by the Legislature. The Department of Environmental Quality shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this "growth pool". No classifications will be assigned to the pool until such time as specific positions are requested by the Department of Environmental Quality, recommended by OPM and approved by the Legislative Council. The Department of Environmental Quality may transfer positions and appropriations from this pool to any appropriation/pay schedule the agency currently maintains or any appropriation/pay schedule the agency receives during the 2003-2005 biennium. This action is subject to OPM recommendation and to approval by the Legislative Council. Further, the Department of Finance and Administration is authorized to provide appropriation from the "growth pool" not to exceed \$60,000 each year to provide operating expenses for the above positions.~~

### **EXECUTIVE RECOMMENDATION**

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~~This action is subject to approval by the Chief Fiscal Officer of the State and review by the Legislative Council. If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agency's biennial budget request.~~

~~(b) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the Maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Department of Environmental Quality could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.~~

### **EXECUTIVE RECOMMENDATION**

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**EXECUTIVE RECOMMENDATION**

~~ADEQ GROWTH POOL APPROPRIATION. There is hereby appropriated to the Department of Environmental Quality for any program, to be payable from the Department of Environmental Quality's paying accounts for any program, as designated by the Chief Fiscal Officer of the State, for use in responding to emerging environmental needs, the following:~~

~~ITEM \_\_\_\_\_ FISCAL YEARS~~

~~NO.~~

~~\_\_\_\_\_ 2005-2006 2006-2007~~

~~(01) GROWTH POOL \_\_\_\_\_ \$1,124,000 \$1,150,000~~

~~\_\_\_\_\_ The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.~~

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**EXECUTIVE RECOMMENDATION**

EXTRA HELP – LAND PROGRAM - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the, ~~2003-2005~~ 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. These four positions are utilized for a specific project and are specifically exempt from the limitations, either by act or regulation, of hours worked. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**EXECUTIVE RECOMMENDATION**

ENVIRONMENTAL MANAGEMENT PROGRAM - EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of departmental laboratory equipment, including maintenance contracts, and data processing equipment and mission-critical software, including maintenance contracts, all of which are paid from the appropriation for the ~~Land~~ Environmental Management Program shall be funded only through interest earnings from the Hazardous Substance Remedial Action Trust Fund. Further, the Department shall report biennially to the Legislative Council all expenditures from interest earnings for these purchases. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LAND PROGRAM - HAZARDOUS WASTE CLEANUP APPROPRIATION. Up to ~~\$6,500,000~~ \$6,502,000 of the appropriation authorized for the Land Program and funded from the Hazardous ~~Waste~~ Substance Remedial Action Trust Fund during the fiscal year ending June 30, ~~2004~~ 2006 may be carried forward and made available for Contractual Services in the Land Program and funded from the Hazardous ~~Waste~~ Substance Remedial Action Trust Fund for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**EXECUTIVE RECOMMENDATION**

~~FUNDING TRANSFER. Upon approval of the Chief Fiscal Officer of the State and review by the Legislative Council the Arkansas Department of Environmental Quality is hereby authorized to transfer up to the sum of five hundred thousand dollars (\$500,000) during the fiscal year ending June 30, 2004 from the interest earned on moneys from the current fiscal year only from the Landfill Post Closure Trust Fund to the Performance Partnership Trust Fund to provide funds for the appropriation provided herein. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.~~

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**EXECUTIVE RECOMMENDATION**

ENVIRONMENTAL MANAGEMENT PROGRAM - PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended balance of the appropriation authorized in the Environmental Management Program, used for Performance-Integrated Information System Expenses, not to exceed ~~\$2,100,000~~, \$1,500,000 and funded from the Performance Partnership Trust Fund which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006 shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**EXECUTIVE RECOMMENDATION**

ENVIRONMENTAL MANAGEMENT PROGRAM - SMALL BUSINESS LOANS.  
Of the amount appropriated for the Environmental Management Program for the year ending June 30, ~~2004~~ 2006, an amount of \$1,100,000 shall be available for the exclusive purpose of providing loans to small businesses for projects to meet regulatory mandates in pollution control and prevention technologies. The unexpended balance of the \$1,100,000 appropriated for this purpose that remains at June 30, ~~2004~~ 2006 shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**EXECUTIVE RECOMMENDATION**

ENVIRONMENTAL MANAGEMENT PROGRAM - ENVIRONMENTAL SETTLEMENT TRUST. Of the amount appropriated for the Environmental Management Program for the year ended June 30, ~~2004~~ 2006, an amount of \$3,000,000 shall be available for paying expenses as authorized through various settlement agreements benefiting the State of Arkansas as administered through the Arkansas Department of Environmental Quality. The unexpended balance of the \$3,000,000 appropriated for this purpose that remains at June 30, ~~2004~~ 2006 shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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**EXECUTIVE RECOMMENDATION**

ENVIRONMENTAL MANAGEMENT PROGRAM - APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement Trust Fund for information technology needs may be made without prior approval of the Chief Fiscal Officer of the State, after seeking review of the Arkansas Legislative Council. Further, utilization of this appropriation for information technology needs of the Arkansas Department of Environmental Quality must also be approved by the Executive Chief Information Officer after the project is evaluated on the methodology recommended by the Chief Information Officer and the CIO Council, including an analysis of the return on investment and linkage to the Department's business objectives. Any approved projects and expenditures for information technology from the Environmental Settlement Trust Fund shall be reported annually to the Joint Committee on Advanced Communications and Information Technology.

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AIR PROGRAM - ADEQ ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5) shall be used by the department to fund operational expenses and to provide and train personnel to administer an asbestos program, as funding is available, including:

(a) Personnel dedicated to issue certificates and licenses to qualified persons/companies, to perform audit of trainers, and to regularly update the ADEQ web page providing a listing of asbestos licensed parties;

(b) Personnel who are trained as asbestos supervisors as defined by Arkansas Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission Regulation No.21 to approve asbestos Notices of Intent, perform and coordinate asbestos inspections, conduct enforcement actions, and provide regulatory compliance information to assist the regulated community. Asbestos inspectors shall have personal protective equipment when needed to enter a regulated area; and

(c) Other personnel as necessary to administer the asbestos program.

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CREDENTIAL ENHANCEMENT PROGRAM AUTHORITY: Establishment of the Credential Enhancement Program. In order to increase professional capability and performance, and legal and professional credibility; the Director, Arkansas Dept. of Environmental Quality, is authorized, after the review and concurrence of the Chief Fiscal Officer of The State and the Personnel Committee of the Legislative Council, to initiate pay increases of up to six percent (6%) for any eligible employee who completes one of the following relevant credential enhancements and meets the applicable criteria for eligibility:

A. Eligible Credential Enhancements

1. Relevant advanced academic degrees 6%

2. Tested Certifications/Registrations 4%

-Certified Public Accountant

-Registered Environmental Manager

-Engineer Intern

-Geologist In Training

-American Fisheries Designations

-APAC Designations

-Society of Human Resource Management  
Designations

-Other professional programs not compensated  
through other means

3. Specialized Professional Training 2%

-Wastewater Treatment Plant Operator's

### **EXECUTIVE RECOMMENDATION**

AGENCY REQUEST DENIED

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\_\_\_\_\_ License

\_\_\_\_\_ -Hazardous Materials 40 Hr. course

\_\_\_\_\_ -Water Quality Standards

\_\_\_\_\_ -Other job-related major courses requiring

\_\_\_\_\_ testing

#### B. ELIGIBILITY CRITERIA

\_\_\_\_\_ Credential-driven salary enhancements recognize the necessity for technical and professional competency above that demanded by minimum qualifications alone. The expertise of the individual must be beyond legal or technical challenge or reproach and incentives for professional development are sound investments in the state's environmental present and future.

1. An employee shall be eligible for one salary enhancement per fiscal year when ADEQ management has approved a credentialing program as appropriate and programmatically necessary.
2. No additional salary will be approved when the credential has been compensated through special program, special entry rate or by other action which recognizes the credential in its' calculation.
3. A New Hire or Transfer employee may be eligible for

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a salary enhancement insofar as the credential has not otherwise been recognized financially, and it meets the needs of the department.

4. Current employees who have completed one of the above credentials after joining the ADEQ, but prior to the commencement of this program; and for which no financial recognition has been received, may be eligible for ONE recognition.
5. In all cases, salary enhancements may only be granted for approved accomplishments which have, or will, extend a full-time employee's functional capabilities beyond those expected and required through the Minimum Qualifications for the job. No more than one Enhancement per category may be granted during an Employee's tenure with the ADEQ.

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